

January 26, 2004

PENNSYLVANIA BULLETIN NO. PA210-4-2

SUBJECT : ENG – USE OF ENGINEERING TECHNICAL SERVICE PROVIDERS

Purpose. To Clarify Procedures Where TSP Engineers Provide Technical Assistance.

Expiration Date: September 30, 2004

The NRCS Technical Service Provider (TSP) program provides a means for producers to obtain technical assistance from certified non-NRCS sources, with USDA program funds reimbursing part of the cost of the technical assistance.

TSPs certify themselves in categories of conservation practices for which they have expertise and credentials, such as a PE registration, where needed to meet state laws and regulations. As part of their certification, the TSP signs a Certification Agreement in which they state that they are “familiar with and agree to meet all applicable USDA standards, specifications, and program requirements as set forth in USDA guides, handbooks, and manual.”

The intent of the TSP program is to add technical capacity which can provide assistance instead of NRCS providing that assistance. The TSP is essentially working with the USDA program participant in our place, and taking full responsibility for that assistance. As such, the TSP must comply with applicable sections of the National Engineering Manual (NEM), including PA amendments, as they pertain to NRCS employees providing assistance. PA amendments to NEM sections 501.01 and 505.10 address this working arrangement. PA supplements of 501.09, 505.20, 512.32, and 512.51 clarify technical assistance policy most applicable to TSPs.

The scope of work expected of the TSP will be based on the conservation plan and, where appropriate, the inventory and evaluation report provided to the program participant by NRCS. The scope of work should be reflected in the cost share program contract items. It is imperative that we provide clear and complete planning assistance so the program participant and TSP can understand and implement the plan.

TSPs, acting as qualified professionals, are not required to submit designs for NRCS checking or review and approval. Nor should they expect this as a routine service. However, in the interest of improved service to the public, NRCS should be willing to review the first designs prepared by a TSP, especially if they are for a new or unusual practice in the TSP's experience. These reviews should be performed by someone with the appropriate design job approval authority for the practice.

In these initial reviews, NRCS will review the design for compatibility with the conservation practice standard(s), the conservation plan, the nutrient management plan, the inventory and evaluation report, and the cost share program contract, as applicable. If there are inconsistencies, NRCS will bring these to the attention of the landowner and the TSP. NRCS may advise, but will not be responsible for checking or approving engineering designs or calculations prepared by TSPs. If there are apparent design discrepancies or omissions, these should be brought to the attention of the TSP.

A TSP Review Log has been established as an Engineering shared folder at \\paharrisbuc001\ENG. Each TSP design that is reviewed should be added to this log, so that repetitive reviews can be avoided. The reviewer should log an entry as soon as the review is completed. When requested to review a TSP design, check the log before committing to a review.

During construction, NRCS should avoid any appearance of inspecting or supervising construction. If NRCS is on site to provide technical assistance on other matters and observes apparent errors in design or construction, NRCS should inform the landowner or the TSP or his or her quality assurance representative if they are present. At no time should NRCS intervene directly with the contractor unless a life-threatening situation is observed.

Upon completion, the landowner or TSP must submit to NRCS:

- A copy of the "as-built" drawings with design changes approved by the TSP.
- The "as-built" drawings including a certification that conforms with the PA amendment to NEM512.51.
- A copy of any construction documentation required in the quality assurance plan.

NRCS will then certify completion on the appropriate cost share program certification form.

Questions should be directed to the Area Engineer or the State Conservation Engineer.



JOHN A. BRICKER
Acting State Conservationist

DIST: AO